

REMARKS

A. Background

Claims 1-29 were pending in the application at the time of the Office Action. By this response, Applicants have amended claims 1, 2, 4-7, 9-13, 15-17, 19-25, and 27-29, cancelled claims 18 and 26, and added new claims 30-32. As such, claims 1-17, 19-25, and 27-32 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

As is discussed below, Applicants have amended claims 1, 2, 4-7, 9-13, 15-17, 19-25, and 27-29 in order to place these claims in condition for allowance. Applicants submit that no new matter is believed to have been added as a result of the claim amendments. Accordingly, entry of the claims as amended is respectfully requested.

C. Rejections under 35 U.S.C. §112

The Office Action rejects claims 1-29 under 35 U.S.C. § 112, ¶ 2, for various informalities.

In particular:

- Claim 7 is rejected under Section 112, ¶ 2, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. In detail, the Office Action objects to the term “dummy version” as being unclear. In response, Applicants have amended claim 7 to remove the language at issue.
- Claims 1-29 are rejected under Section 112, ¶ 2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the

Applicants regard as the invention. In particular, the Office Action objects to the use of the phrase “and/or” as rendering the claims indefinite. In response, Applicants have amended claims 1, 5, 11, 12, 16, 17, 19, 22, 27, and 29 to remove the language at issue.

- Claim 12 is rejected as indefinite for including term “slight” in describing variations of a model source of the claimed invention. In response, Applicants have removed the language at issue from the claim.
- Claim 1 is rejected for including the term “unknown source” without sufficient antecedent basis. In response, Applicants have amended claim 1 to provide proper antecedent basis for the limitation at issue.
- Claim 1 is also rejected for including the term “source(s)” without sufficient antecedent basis for its plural form. In response, Applicants have amended claim 1 to give proper antecedent basis for the limitation at issue.
- Claim 2 is rejected for reciting “the first trial solution” without sufficient antecedent basis. In response, Applicants have amended claim 2 to include proper antecedent basis for the limitation at issue.

In light of the above amendments, Applicants submit that each of the claims 1-29 is now in condition for allowance. Accordingly, Applicants respectfully request the removal of the rejection to these claims under Section 112 and solicit the allowance thereof.

D. Allowable Subject Matter

Applicants wish to thank the Examiner for the allowance of claims 1-29 pending resolution of all outstanding rejections/objections as noted in the Office Action.

Applicants submit the following comments concerning the Examiner's statements of reasons for the indication of allowable subject matter in the Office Action. Applicants agree with the Examiner that the claimed invention of claims 1-29 is patentable over the prior art, but respectfully disagree with the Examiner's statement of reasons for allowance as set forth in Office Action. Applicants submit that it is the claim as a whole, rather than any particular limitation, that makes each of the claims allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that makes it allowable. Therefore, Applicants do not concede that the reasons for allowable subject matter given by the Examiner are the only reasons that make, or would make, the claims allowable and do not make any admission or concession concerning the Examiner's statement in the Office Action.

E. New Claims

Applicants submit that new claims 30-32 are also allowable for their ultimate dependence on independent claims 1 and 29, which the Office Action has admitted are allowable over the prior art of record. Applicants therefore respectfully solicit allowance of these new claims.

CONCLUSION

In view of the foregoing, Applicants respectfully request the Examiner's reconsideration and allowance of claims 1-17, 19-25, and 27-32 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 25th day of August 2005.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246
Customer No. 022913
Telephone No. 801.533.9800

DLT:dfw
W:\10256\134\DFW0000015134V001.DOC